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John Marshall

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EXAMINER

TRAN, QUOC A

ART UNIT

PAPER NUMBER

2176

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/601,054	<b>Applicant(s)</b> MARSHALL, JOHN	
	<b>Examiner</b> Quoc A. Tran	<b>Art Unit</b> 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 November 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This is a **Final** Office Action. This action is responsive to Amendments/Remarks, which was filed on 11/08/2008.

Claims 1-8 are currently pending in the case, with claims 1, and 4 being the independent claims. Applicant has amended independent claims 1, and 4.

Effective filing date is 06/20/2003, CIP of 10/348,211 filed 01/16/2003, which claimed benefit of Provisional No. 60/350,126 filed **01/18/2002**, and 60/390,514 filed 06/21/2002 (Assignee: ClickTrack, Inc).

### ***Specification***

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter.

Claims 1 and 4 recite the limitation "*modifying the DOM of the web page independent of a user interaction by inserting the graphic object within a hierarchy of the DOM ...*" (see Claim 1, Lines 7-8; see Claim 4, Lines 10-12). There is no clear support for, or description of, this limitation in the Applicant's disclosure so that the meaning of the limitation is ascertainable by reference to the description. Thus, the limitation has no antecedent basis, as required in 37 CFR 1.75(d)(1).

Correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

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The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-8 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim contains subject matter which was not described in the Specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

*Claims 1-8:*

Claims 1 and 4 recites the limitation “*modifying the DOM tree of the web page independent of a user interaction by inserting the graphic object within a hierarchy of the DOM*” [emphasis added] (see Claim 1, Lines 7-8). There is no mention in the original Specification of this feature.

The examiner notes that the disclosure of the present application is severely lacking in detail. However, Figure 2 of the Drawings does show a flowchart for Applicant's software.

The top of the flowchart shows that a user must first request a web page (i.e., user interaction) to initiate Applicant's software. The flowchart illustrates that the next step is determining whether the user's request is: 1) a request for the web page's statistics (i.e., how many users click on the web page's components - see Spec @ Page 3, Lines 25-27); or 2) a request for only the web page. In response to the user's request, and in response to a multitude of users clicking on the web page elements (i.e., user interactions), statistics for the web page are compiled and either:

- the web page DOM is modified to display the web page statistics; or
- the web page DOM is not modified to display the web page without the statistics.

The examiner notes that the limitation is a “negative” limitation (i.e., “independent of a user interaction” = **without** user interaction). The examiner also notes that “[a]ny negative limitation or exclusionary proviso must have basis in the original disclosure.” *In re Johnson*, 558 F.2d 1008, 1019, 194 USPQ 187, 196 (CCPA 1977). The examiner reminds Applicant that the ***mere absence*** of a positive recitation (i.e., modifying the DOM tree *requires* user interaction) does not provide antecedent basis for the negative limitation.

If the examiner has overlooked the portion of the original Specification that describes this feature of the present invention, then Applicant should point it out (by page number and line number) in the response to this Office Action.

Applicant may obviate these rejections by canceling the claims.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

**Claims 1-8** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Cohen**, et al. US 20020089532A1 filed 12/05/2001 [hereinafter “Cohen”], in view of

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**Omoigui**, US 20070038610A1 Provisional No. 60/300,385 filed 06/22/2001 [hereinafter “Omoigui”].

*Regarding independent claim 1,*

Cohen teaches:

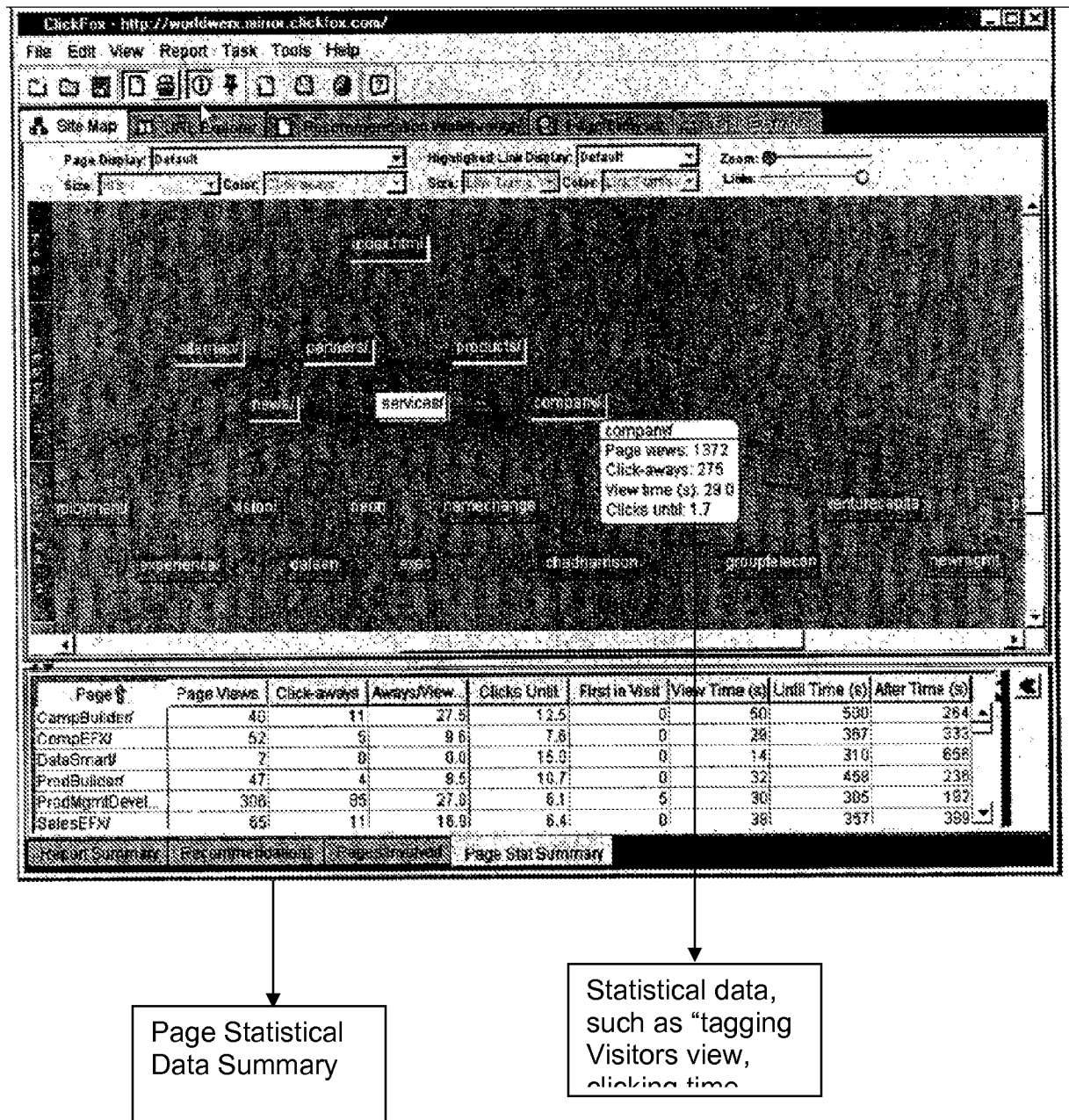
**A method comprising the step of:**

**parsing the document object of a web page located by a requested**

**URL to determine the location and type of an element of the web page**

**which is an element having statistics available;**

(See Fig. 8-9 and Para 35→Cohen discloses this limitation in that the “ClickFox” web page (i.e. URL), include plurality of elements. Elements include various statistical information such as the behavior of a particular group of visitors (i.e. visitors viewing time, clicking-aways) within each web page within the web site.)



**constructing a graphic object that conveys user interaction  
information about a prior use of the element based on statistics available  
for the element;**

(See Para 8-9→Cohen discloses this limitation in that the “ClickFox” web page (i.e. URL), include plurality of elements. Elements include various statistical information such as the behavior of a particular group of visitors (i.e. visitors viewing time, clicking-aways) within each web page within the web site.

Also See Para 2-3, Cohen discloses the web site automatic evaluation and customization for displaying patterns of utilization of a web site, or other similar resource, containing Objects and displaying such patterns in graphical formats.

In addition, Cohen does not expressly teach, but Omoigui teaches:

**modifying the DOM of the web page independent of a user  
interaction by inserting the graphic object within a hierarchy of the DOM so  
that the graphic object is displayed overlaid partially on top of a visual  
presentation of the website, such that the graphic object is in close  
proximity to the element when the DOM is rendered by an HTML rendering  
engine.**

(See the "title" and [0313-0322]; Para [0309→0315]→Omoigui disclosed system and method for knowledge retrieval, management, delivery and presentation [Title], that is able to process logic and rules and will be able to initiate event that is ***self-maintained by the machine*** [See Omoigui at Para 0313- 0322]; Also Omoigui further disclosed the



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details step of utilized the Semantic Query Implementation Scenarios such as Scenario 8: Smart Lens, when a Smart Lens is selected in the Information Agent, the Information Agent indicates to the Semantic Environment Manager (see below) that **a Smart Lens has been selected** for the Information Agent identifier. When the Skin notices that the mouse is over an object (e.g., via the "on mouse over" event in the document object model (DOM)), it calls the Presenter first to find out whether the Information Agent is in Smart Lens mode; If the Information Agent is in Smart Lens mode. The framework obtains the SQML buffer and instantiates resource components for every resource in the SQML buffer. The client framework **calls the resource API GetInformationForSmartLens** passing the XML information for the currently displayed object to the resource. All resources preferably return Smart Lens metadata to the client framework. Each resource preferably returns metadata in the form of a list of Smart Lens information nuggets. This is generally disclosed at Para [911 through 919; 986 and 1234 of Omoigui]

Thus the artisan would have well appreciated that Omoigui's Scenario 8: Smart Lens, inherently disclosed the modifying the DOM of the web page independent of a user interaction by inserting the graphic object within a hierarchy of the DOM so that the graphic object as claimed, since the only interaction for user is to identify the Skin via "on mouse over" event, then process logic and rules and will be able to initiate event that is **self-maintained by the machine**.

This interpretation is supported by the applicant's disclosure, which is stated, " a user is performing analysis of a website using software that takes the statistical data

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*about the site, and maps this data on top of the actual website...The user sees the page and overlaid on the top are bars that represent statistical data about the page itself, such as the number of users clicking on any element. Other graphs and charts besides bars could be used..... that permits the user to simultaneously view the website and the statistics, without requiring any modifications to the actual live website itself.*

*The method can join these two disparate sources of data and display them simultaneously with no operator intervention." See applicant's specification at page 3 Para [17- through 18]. Also, "the number of website visitors that click on each element. It then modifies the DOM of the page in such a way that the statistics for the objects appear overlaid or in close proximity to the objects themselves." See applicant's specification at page 3 Para [31].*

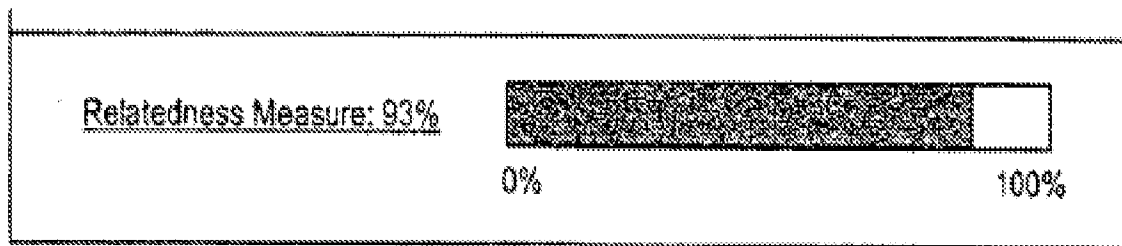
Also see Fig. 71-72 and at Para 268, 994→Omoigui disclosed the graphic object is displayed overlaid partially on top of a visual presentation of the website, such that the graphic object using Document Object Model (DOM) for SVG presented in close proximity to the element, in this example (the Smart Lens object and the "lensed over" object), both as a percentage and graphically and/or a bar chart as shows in Fig. 71 and 72 the relatedness measurer 93% slide bar.

**parsing and constructing the document object model (DOM) of a web page.**

(See Fig. 71-72 and at Para 986→Omoigui discloses this limitation in that the XHTML results document through callbacks from resources indicating that objects are available

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to be converted to XHTML (or equivalent presentation format, preferably via the current XSLT and/or script-based Skin, and pushed into the DOM for presentation (i.e. Parsing and constructing).



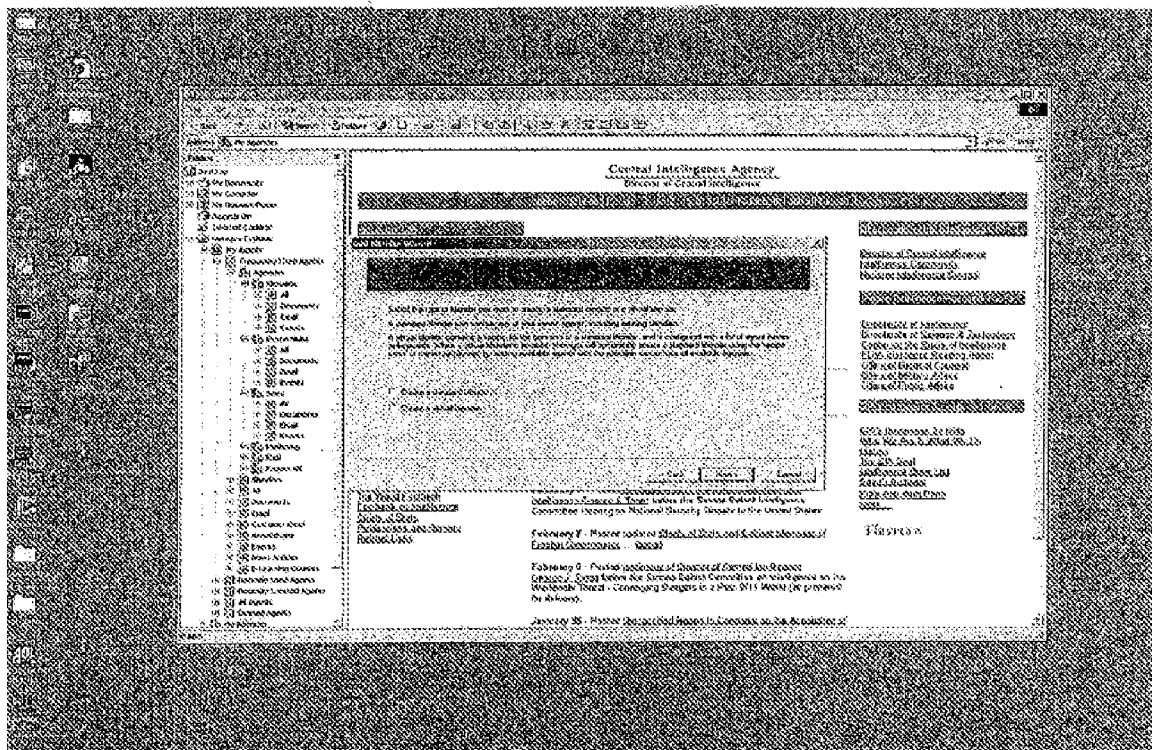
**FIGURE 72**

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Cohen's solutions to modify the web site in according with tagging visitors' information, to include a means of parsing, constructing, and modifying the DOM of the web page independent of a user interaction by inserting the graphic object within a hierarchy of the DOM so that the graphic object is displayed overlaid partially on top of a visual presentation of the website, such that the graphic object is in close proximity to the element when the DOM is rendered by an HTML rendering engine as taught by Omoigui. One of the ordinary skills in the art would have been motivated to modify this combination, because using a DOM, or Document Object Model, (i.e. is a tree representation of the structure of a Web document that may be used via scripts to access and manipulate any element within that page) of Omoigui to parsing, constructing , and modifying the web page utilizing Statistical data, such as "tagging Visitors" view, clicking time, that allows web designers to view patterns in visitor behavior concerning web sites and visitor utilization of web sites wherein the web

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pages in such a web site are essentially uncorrelated to one another entice the visitors to make their user session longer and purchase more products (see Cohen at Para 3-4).

Fig. 68



Regarding **independent claim 4**,

is directed toward a computer program product to perform a method of claim 1 and is similarly rejected under the same rationale (see Cohen at Para 26, and 43).

***Claim 2:***

Cohen teaches:

**constructing a graph depicting an available statistical quantity for the element.**

(See Cohen at Fig. 4 and Para 39, discloses graphical representation is the use of pie charts that represent various attributes about the web page. The size of the piece of pie may represent the number of times that a particular web page was the nth stop during the visitation of the web site.)

***Claim 3:***

Cohen teaches:

**constructing a chart depicting an available statistical quantity for the element.**

(See Cohen at Para 36, discloses graphical representation is the use of pie charts that represent various attributes about the web page. The size of the piece of pie may represent the number of times that a particular web page was the nth stop during the visitation of the web site.

Also, see Cohen at Para 39, discloses graphical representation is for the sequence of a visitor or a particular group of visitors to be indicated by an icon symbolizing the visitor or visitors. The icon representing a visitor or visitors may move between the pages in the requested sequence.

**Claims 5-6:** (respectively)

are directed toward a computer program product comprising one or more computer readable media having computer readable program code physically embodied therein, when executed by a computer, cause the computer to perform a method of claims 3-4 respectively and is similarly rejected under the same rationale (see Cohen at Para 26, and 43).

**Claim 7:**

Cohen teaches,

**computer readable program code when executed operable to display the web page comprising the element, wherein the element is rendered as displayed in the prior use.**

(See Cohen fig. 8-9 and Para 35, illustrating the “ClickFox” web page, include plurality of elements. Elements include various statistical information such as the behavior of a particular group of visitors (i.e. visitors viewing time, clicking-aways) within each web page within the web site. This interpretation is supported by Applicant’s Specification, which states “*statistical information. These programs display, for example, the average length of time each user spends on each page, or the path they take from page to page.*,” at Page 2 Para 14, and “elements in the page are objects for which it has statistical data,” at Page 3 Para 31.

**Claim 8:**

Cohen teaches,

**rendering the document object to display the web page comprising  
the element, wherein the element is rendered as displayed in the prior use.**

(See Cohen fig. 8-9 and Para 35, illustrating the “ClickFox” web page, include plurality of elements. Elements include various statistical information such as the behavior of a particular group of visitors (i.e. visitors viewing time, clicking-aways) within each web page within the web site. This interpretation is supported by Applicant’s Specification, which states “*statistical information. These programs display, for example, the average length of time each user spends on each page, or the path they take from page to page.*,” at Page 2 Para 14, and “elements in the page are objects for which it has statistical data,” at Page 3 Para 31.

Also, see Cohen at Fig. 7 and Para 34, discloses graphical representation is a tree oriented site map representation where each node represents a web page or a resource within the web site and arrows are used to show the relationship between the web pages or, the traversal paths followed by various users accessing the web site.)

In addition, Cohen does not expressly teach, but Omoigui teaches:

**rendering (DOM) to display a web page.**

(See Para 268, 994→Omoigui discloses Document Object Model (DOM) for SVG presented in a web page.)

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Cohen's solutions to modify the web site in accordance with tagging visitors' information, to include a means of parsing, constructing, and modify a web page utilizing the document object model (DOM) of the web page as taught by Omoigui. One of the ordinary skills in the art would have been motivated to modify this combination, because using a DOM, or Document Object Model, (i.e. is a tree representation of the structure of a Web document that may be used via scripts to access and manipulate any element within that page) of Omoigui to parsing, constructing, and modifying the web page utilizing Statistical data, such as "tagging Visitors" view, clicking time, that allows web designers to view patterns in visitor behavior concerning web sites and visitor utilization of web sites wherein the web pages in such a web site are essentially uncorrelated to one another entice the visitors to make their user session longer and purchase more products (see Cohen at Para 3-4), and Cohen further discloses, utilizing the visitor behavior data in the form of log files and site structure at the data modeling level. This unique technology analyzes the impact of the website structure on the user experience, compares it to the anticipated user experience, and provides recommendations on site improvement. These recommendations allow web owners to find quickly an optimal match between their own business objectives for the site or segment of the site and the needs and wants of the users. The result is that users can understand in a glance where visitors are getting turned off, what they are finding interesting and why (see Cohen at Para 11).



It is noted that any citations to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. See, MPEP 2123.

### ***Response to Arguments***

#### ***Brief description of cited prior art:***

**Cohen et al.** disclosed the “ClickFox” web page (i.e. URL), included plurality of elements and various statistical information such as the behavior of a particular group of visitors (i.e. visitors viewing time, clicking-aways) within each web page within the web site.) See Fig. 8-9 and Para 3;; Also Cohen further disclosed monitoring behavior concerning web sites and visitor utilization of web sites wherein the web pages in such a web site are essentially uncorrelated to one another entice the visitors to make their user session longer and purchase more products (see Cohen at Para 3-4), also Cohen further discloses at Para 3-4, the web site automatic evaluation and customization for displaying patterns of utilization of a web site, or other similar resource, containing Objects and displaying such patterns in graphical formats.

**Omoigui** directed to a system and method for knowledge retrieval, management, delivery and presentation [Title], that is able to process logic and rules and will be able to initiate event that is ***self-maintained by the machine*** [See Omoigui

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at Para 0313- 0322]; Also Omoigui further disclosed the details step of utilized the Semantic Query Implementation Scenarios such as Scenario 8: Smart Lens, when a Smart Lens is selected in the Information Agent, the Information Agent indicates to the Semantic Environment Manager (see below) that **a Smart Lens has been selected** for the Information Agent identifier. When the Skin notices that the mouse is over an object (e.g., via the "on mouse over" event in the **document object model (DOM)**), it calls the Presenter first to find out whether the Information Agent is in Smart Lens mode. The client framework determines this by asking the Semantic Environment Manager if an Information Agent with the identifier is in Smart Lens mode. Because the Semantic Environment Manager caches this information from the Information Agent itself, it can answer the question on behalf of the Information Agent. If the Information Agent is in Smart Lens mode, the client framework preferably obtains the SQL buffer from the system clipboard via the Semantic Environment Manager. The framework obtains the SQL buffer and instantiates resource components for every resource in the SQL buffer. The client framework **calls the resource API GetInformationForSmartLens** passing the XML information for the currently displayed object to the resource. All resources preferably return Smart Lens metadata to the client framework. Each resource preferably returns metadata in the form of a list of Smart Lens information nuggets. This is generally disclosed at Para [911 through 919; 986 and 1234 of Omoigui]. Omoigui's system further provided both as a percentage and graphically and/or a bar chart as shows in Fig. 71 and 72 the relatedness measurer 93% slide bar [(See Fig. 71-72 and at Para 268, 994].

Response to Remarks:

Beginning on page 4 of the Remarks (hereinafter the remarks), Applicants argue the following issues, which are accordingly addressed below.

Regarding rejections of claims 1-8:

Applicant asserts that the proposed combination [ofCohen, and Omoigui] fails to teach the newly amended portion, ".. modifying the DOM of the web page independent of a user interaction by inserting the graphic object within a hierarchy of the DOM so that the graphic object is displayed..." see Claim 1 Page 2, lines 8-11 [claim 4] recites similar limitation at Page 3, because, Omoigui's "smart lens" required the user "lensed over" or hovers over an object with a mouse pointer, see the remarks at page 4 last paragraph.

For purposes of responding to Applicant's argument, the examiner will assume that Applicant is arguing for the patentability of Claims 1 and 4.

The Examiner disagrees.

As discuss above, and recognized by the Examiner, Cohen disclosed the "ClickFox" web page (i.e. URL), included plurality of elements and various statistical information such as the behavior of a particular group of visitors (i.e. visitors viewing time, clicking-aways) within each web page within the web site.) See Fig. 8-9 and Para 3; Also Cohen further disclosed monitoring behavior concerning web sites and visitor

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utilization of web sites wherein the web pages in such a web site are essentially uncorrelated to one another entice the visitors to make their user session longer and purchase more products (see Cohen at Para 3-4), also Cohen further discloses at Para 3-4, the web site automatic evaluation and customization for displaying patterns of utilization of a web site, or other similar resource, containing Objects and displaying such patterns in graphical formats.

In addition, "What matters is the objective reach of the claim. If the claim extends to what is obvious, it is invalid under § 103." KSR Int'l Co. v. Teleflex, Inc., 127 S. Ct. 1727, 1742 (2007). To be nonobvious, an improvement must be "more than the predictable use of prior art elements according to their established functions." Id. at 1740.

As analyzed by the Examiner, Cohen's "ClickFox" web page (i.e. URL), does not expressly teach the use of modifying the DOM of the web page independent of a user interaction by inserting the graphic object within a hierarchy of the DOM so that the graphic object is displayed. On the other hand, in what is fairly characterized as analogous art in accordance with the above-noted case law, Omoigui disclosed system and method for knowledge retrieval, management, delivery and presentation [Title], that is able to process logic and rules and will be able to initiate event that is **self-maintained by the machine** [See Omoigui at Para 0313- 0322]; Also Omoigui further disclosed the details step of utilized the Semantic Query Implementation Scenarios

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such as Scenario 8: Smart Lens, when a Smart Lens is selected in the Information Agent, the Information Agent indicates to the Semantic Environment Manager (see below) that **a Smart Lens has been selected** for the Information Agent identifier. When the Skin notices that the mouse is over an object (e.g., via the "on mouse over" event) it calls the Presenter first to find out whether the Information Agent is in Smart Lens mode; If the Information Agent is in Smart Lens mode, the client framework preferably obtains the SQML buffer from the system clipboard via the Semantic Environment Manager. The client framework ***calls the resource API GetInformationForSmartLens*** passing the XML information for the currently displayed object to the resource. All resources preferably return Smart Lens metadata to the client framework. Each resource preferably returns metadata in the form of a list of Smart Lens information nuggets. Each nugget contains a text entry and a list of query buffers (in SQML). This is generally disclosed at Para [911 through 919; 986 and 1234 of Omoigui].

Thus the artisan would have well appreciated that Omoigui's Scenario 8: Smart Lens, inherently disclosed the modifying the **DOM** of the web page **independent of a user interaction** by inserting the graphic object within a hierarchy of the DOM so that the graphic object is displayed as claimed, since the only interaction for user is to identify the Skin via "on mouse over" event, then process logic and rules and will be able to initiate event that is ***self-maintained by the machine*** [e.g., the insertion steps in independent

This interpretation is supported by the applicant's disclosure, which is stated, " a user is performing analysis of a website using software that takes the statistical data

*about the site, and maps this data on top of the actual website...The user sees the page and overlaid on the top are bars that represent statistical data about the page itself, such as the number of users clicking on any element. Other graphs and charts besides bars could be used..... that permits the user to simultaneously view the website and the statistics, without requiring any modifications to the actual live website itself. The method can join these two disparate sources of data and display them simultaneously with no operator intervention."* See applicant's specification at page 3 Para [17- through 18]. Also, *"the number of website visitors that click on each element. It then modifies the DOM of the page in such a way that the statistics for the objects appear overlaid or in close proximity to the objects themselves."* See applicant's specification at page 3 Para [31].

Also see Fig. 71-72 and at Para 268, 994→Omoigui disclosed the graphic object is displayed overlaid partially on top of a visual presentation of the website, such that the graphic object using Document Object Model (DOM) for SVG presented in close proximity to the element, in this example (the Smart Lens object and the "lensed over" object), both as a percentage and graphically and/or a bar chart as shows in Fig. 71 and 72 the relatedness measurer 93% slide bar.

Accordingly, It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Cohen's "ClickFox" web page (i.e. URL), to include a means of parsing, constructing, and modifying the DOM of the web page independent of a user interaction by inserting the graphic object within a hierarchy

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of the DOM so that the graphic object is displayed as taught by Omoigui. One of the ordinary skills in the art would have been motivated to modify this combination, because using a DOM, or Document Object Model, (i.e. is a tree representation of the structure of a Web document that may be used via scripts to access and manipulate any element within that page) of Omoigui to parsing, constructing , and modifying the web page utilizing Statistical data, such as “tagging Visitors” view, clicking time, that allows web designers to view patterns in visitor behavior concerning web sites and visitor utilization of web sites wherein the web pages in such a web site are essentially uncorrelated to one another entice the visitors to make their user session longer and purchase more products (see Cohen at Para 3-4).

Thus Cohen and Omoigui clearly disclosed, modifying the DOM of the web page independent of a user interaction by inserting the graphic object within a hierarchy of the DOM so that the graphic object is displayed, as recited in claims 1 and 4, and provided proper reasons to combine.

Accordingly, for at least all the above evidence, therefore the Examiner respectfully maintains the rejection of claims 1-8 at this time.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quoc A. Tran whose telephone number is 571-272-8664. The examiner can normally be reached on Monday through Friday from 9 AM to 5 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on 571-272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Quoc A. Tran  
Patent Examiner

/DOUG HUTTON/  
Supervisory Patent Examiner, Art Unit 2176